

90-6-304. (Temporary) Accounts established. (1) There is within the state agency fund type a hard-rock mining impact account. Money is payable into this account from payments made by a mining developer in compliance with the written guarantee from the developer to meet the increased costs of public services and facilities as specified in the impact plan provided for in 90-6-307. The state treasurer shall draw warrants from this account upon order of the board.

(2) There is within the state special revenue fund a hard-rock mining impact trust account. Within this trust account, there is established a reserve amount not to exceed \$100,000.

(a) Money within the hard-rock mining impact trust account may be used:

- (i) for the administrative and operating expenses of the board, as provided by 90-6-303(4);
- (ii) to establish and maintain the reserve amount; and
- (iii) for distribution to the counties of origin, as provided by 90-6-331 and this section.

(b) Money within the hard-rock mining impact trust account may be used for the administrative and operating expenses of the board if:

(i) the revenue provided under 15-37-117(1)(b) is less than the amount appropriated for the administrative and operating expenses of the board; or

(ii) the use of the reserve amount of revenue is necessary to allow the board to meet its quasi-judicial responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).

(3) Money is payable into the hard-rock mining impact trust account under the provisions of 15-37-117. After first deducting the administrative and operating expenses of the board, as provided in 90-6-303, and then establishing and maintaining the reserve amount of \$100,000, as provided in subsection (2) of this section, the remaining money must be segregated within the account by county of origin. (*Terminates June 30, 2019--sec. 5, Ch. 442, L. 2009.*)

90-6-304. (Effective July 1, 2019) Accounts established. (1) There is within the state agency fund type a hard-rock mining impact account. Money is payable into this account from payments made by a mining developer in compliance with the written guarantee from the developer to meet the increased costs of public services and facilities as specified in the impact plan provided for in 90-6-307. The state treasurer shall draw warrants from this account upon order of the board.

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- (i) for the administrative and operating expenses of the board, as provided by 90-6-303(4);
- (ii) to establish and maintain the reserve amount; and
- (iii) for distribution to the counties of origin, as provided by 90-6-331 and this section.

(b) Money within the hard-rock mining impact trust account may be used for the administrative and operating expenses of the board if:

(i) the revenue provided under 15-37-117(1)(b) is less than the amount appropriated for the administrative and operating expenses of the board; or

(ii) the use of the reserve amount of revenue is necessary to allow the board to meet its quasi-judicial responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).

(3) Money is payable into the hard-rock mining impact trust account under the provisions of 15-37-117. After first deducting the administrative and operating expenses of the board, as provided in 90-6-303, and then establishing and maintaining the reserve amount of \$100,000, as provided in subsection (2) of this section, the remaining money must be segregated within the account by county of origin. The state treasurer shall draw warrants from this account upon order of the board.

History: En. Sec. 5, Ch. 617, L. 1981; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 8, Ch. 619, L. 1983; amd. Sec. 14, Ch. 672, L. 1989; amd. Sec. 1, Ch. 616, L. 1991; amd. Sec. 55, Ch. 349, L. 1993; amd. Sec. 36, Ch. 389, L. 1999; amd. Sec. 4, Ch. 598, L. 2005; amd. Sec. 2, Ch. 442, L. 2009.

Compiler's Comments:

2009 Amendment: Chapter 442 in (3) deleted last sentence that read: "The state treasurer shall draw warrants from this account upon order of the board." Amendment effective July 1, 2009, and terminates

2012 MCA

June 30, 2019.

2005 Amendment: Chapter 598 in (2) and in (2)(a)(ii) after "reserve" substituted "amount" for "account"; in (2)(b) after "trust" deleted "reserve"; in (2)(b)(ii) after "reserve" substituted "amount of" for "account"; and in (3) in second sentence near middle after "reserve" deleted "account in the". Amendment effective July 1, 2005.

1999 Amendment: Chapter 389 in (2)(a)(iii) substituted "90-6-331" for "90-6-331(1)". Amendment effective July 1, 1999.

1993 Amendment: Chapter 349 deleted (2)(c) that read: "(c) The board shall report to the legislature any expenditure from the hard-rock mining impact trust reserve account."

1991 Amendment: In (1), near beginning, substituted "agency fund type" for "special revenue fund"; in (2), at end of introductory clause, inserted provision that within the trust account, there is a reserve account not to exceed \$100,000; inserted (2)(a), (2)(b), and (2)(c) relating to use of money in the impact trust account, use of money in the impact trust reserve account, and a report to the Legislature of expenditures from the reserve account; in (3), near beginning, substituted "the hard-rock mining impact trust account" for "this account", after "as provided in 90-6-303" inserted "and then establishing and maintaining the reserve account in the amount of \$100,000, as provided in subsection (2) of this section, the remaining", and at end deleted "If money available to pay administrative and operating expenses is insufficient, the board may apply for supplemental money from the general fund"; and made minor changes in style. Amendment effective April 24, 1991.

1989 Amendment: In (2) inserted last sentence relating to availability of supplemental money from general fund to pay administrative and operating expenses of the Board. Amendment effective May 16, 1989.

Saving Clause: Section 22, Ch. 672, L. 1989, was a saving clause.

Effective Date -- Retroactive Applicability: Section 23, Ch. 672, L. 1989, provided: "[This act] is effective on passage and approval [approved May 16, 1989] and applies retroactively, within the meaning of 1-2-109, to taxable years beginning after December 31, 1988."

1983 Amendments: Chapter 277 substituted references to state special revenue fund for references to earmarked revenue fund.

Chapter 619 inserted (2) referring to hard-rock mining impact trust account. The amendment made by Ch. 619 is effective July 1, 1985.

Cross References:

Fund structure, 17-2-102.

Warrants, Title 17, ch. 8, part 3.

Hard-rock mining account, 82-4-311.

Fund transfer, 90-6-331.